

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KATHLEEN M. JUNGCLAUS	:	NO. 17-cv-04462-RK
	:	
Plaintiff	:	
	:	Jury Trial Demanded
v.	:	
	:	
WAVERLY HEIGHTS, LTD.,	:	
THOMAS P. GARVIN and	:	
JOHN and JANE DOES NUMBERS 1-21	:	
	:	
Defendants	:	

**DEFENDANTS' MOTION TO DISMISS COUNTS V AND VI  
OF PLAINTIFF'S AMENDED COMPLAINT  
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6)**


Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendants, Waverly Heights, Ltd., Thomas P. Garvin and John and Jane Does 1-21 (collectively referred to as "Defendants"), hereby move this Honorable Court to dismiss Count V (Defamation) of Plaintiff's Amended Complaint as to Defendants, Thomas P. Garvin and Jane and John Does Numbers 1-21, and Count VI (Negligent Supervision) of Plaintiff's Amended Complaint as to Defendants, Waverly Heights, Ltd. and Jane and John Does Numbers 1-21.

In support thereof, Defendants submit the attached Brief in Support of Defendants' Motion to Dismiss Counts V and VI of Plaintiff's Amended Complaint which is incorporated herein by reference as if set forth at length. Defendants respectfully request that this Honorable Court grant Defendants' Motion to Dismiss and dismiss Count V as to Defendants, Thomas P. Garvin and Jane and John Does Numbers 1-21, and Count VI as to Defendants, Waverly Heights, Ltd. and

John and Jane Does 1-21 of Plaintiff's Amended Complaint with prejudice pursuant to the attached proposed Order.

**EASTBURN AND GRAY, P.C.**

Dated: December 11, 2017

By:   
Grace M. Deon  
Attorneys for Defendants

60 East Court Street  
P.O. Box 1389  
Doylestown, PA 18901  
Phone: (215) 345-7000  
Facsimile: (215) 345-9142  
gdeon@eastburngray.com